IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21298 of 2004

Between:

A.Moshanna, s/o James, Fair Price Shop Dealer,
H.No.36, r/o Mitta Somapuram Village, Nandavaram Mandal,

Kurnool District.

..... PETITIONER

AND

1 The District Collector, Kurnool district at Kurnool.
2 The Revenue Divisional Officer, Adoni, Kurnool District.
3 The Mandal Revenue Officer, Nandavaram Mandal,

Kurnool District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ order or direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondents in not receiving the amounts for lifting the Essential Commodities and to supply to the same to the card holders of Mittasomapuram village, Nandavaram Mandal, Kurnool District as illegal, arbitrary, unjust and violative of Articles 14, 16, 19 and 21 of the Constitution of India and consequently direct the respondents to receive the amounts and to permit the petitioner herein to run the Fair Price Shop at Mittasomapuram Village, Nandavaram Mandal, Kurnool District and to grant such other relief or reliefs.

Counsel for the Petitioner:MR.MANDA ADAM

Counsel for the Respondents 1 to 3 : GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

The petitioner was appointed as a Fair Price Shop Dealer on temporary basis through proceedings, dated 28.01.2002, for Mitta Somapuram Village. She contends that the temporary appointment was being extended from time to time. Her grievance is that the respondents are not receiving the requisite amount to enable her to lift the essential commodities, from July 2004 onwards. She contends that though her authorization is subsisting, the respondents have stopped supplying the essential commodities.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

From a perusal of the proceedings, dated 28.01.2002, it is evident that the petitioner was appointed as a Fair Price Shop Dealer on temporary basis from January to April 2004. Nothing is placed before this Court to show that such authorization has been extended thereafter. The petitioner asserts that even without there being any specific order, she was being continued as the temporary dealer.

In the absence of any order extending the authorization in favour of the petitioner, this Court cannot issue any specific direction for continuance of the supply. However, in case, there exists any authorization in favour of the petitioner as on today, the respondents shall take necessary steps to supply the essential commodities to her for distribution in the said village.

The writ petition is accordingly disposed of. There shall be no order as to costs.

L.NARASIMHA REDDY, J

Date: 22nd November, 2004

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To

1 The District Collector, Kurnool district at Kurnool.
2 The Revenue Divisional Officer, Adoni, Kurnool District.
3 The Mandal Revenue Officer, Nandavaram Mandal,

Kurnool District.

4 2 CCs to the G.P. for Civil Supplies, High Court of A.P.

Hyderabad.(OUT)

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